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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,577	03/29/2004	Victoria Milne	4631/006	2077
22440 7590 05/15/2007 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			EXAMINER CASTELLANO, STEPHEN J	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,577

Applicant(s)

MILNE, VICTORIA

Examiner

Stephen J. Castellano

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Hollinger.

Re claims 14 and 4, Elliott discloses a vessel (plant pot) capable of containing food, the vessel includes a base component (spokes 13) and a basin (pot P), the base component comprising three supports (hook formations 14) and at least three connectors (spokes 13). The proximal and distal ends of the connectors, the equal length of the connectors, the junction of the connectors being at the center of an imaginary circle and the supports positioned at equidistant points about the periphery of the imaginary circle are all shown by Elliott. Elliott fails to disclose the spherical shape of the connectors. Hollinger discloses supports for a plant trivet of spherical shape connected by wire to the remainder of the trivet. It would have been obvious to modify the hooks to be replaced by spherical shaped balls and to adapt the balls to be connected with the chains of Elliott in order to make the support more aesthetically pleasing and to have a more rounded surface less able to dent or scratch a supporting surface than a hook.

Re claims 5-7, Official notice is taken that supports of stainless steel are well known and that connectors of metal, polymer or ceramics are well known. It would have been obvious to modify the material to be metal for structural strength and stainless steel, polymer and ceramics for reduced corrosion, polymers and ceramics are easily moldable.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Hollinger as applied to claim 7 above, and further in view of Hayes.

The Elliott-Hollinger combination discloses the invention except for the connectors being chains. Hayes teaches connector chains 42 running from a central location out to the peripheral ring of a similarly constructed hanging display apparatus. It would have been obvious to replace the wire spokes of Elliott with the chains 42 of Hayes as a matter of design choice in selecting a more aesthetically pleasing appearance and a more sturdy, durable and reliable material (chain) over the less sturdy wire spoke to enhance aesthetics and durability.

Re the connections of the chain to projecting eyelets on the supports and at a chain link, these connections are well known. It would have been obvious to add the projecting eyelets and chain link as a matter of design choice.

Re glass, Glass is a well known basin material. It would have been obvious to modify the basin to be glass for its easy moldability and transparent qualities.

Claims 4-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ancona (D479433) in view of Naxon.

Ancona discloses a trivet (base component) comprising a base, the base comprising three sphere shaped supports and three wire connectors, each of the wire connectors has a "99" configuration when viewed from the bottom as shown in Fig. 4, each connector has a support connected at its proximal end (outer end), each connector joined to the other two connectors at their distal end (inner end) to form a junction, the junction is positioned at the center of a circle having a radius the same length as the length of each connector. Ancona discloses the invention except for the basin. Naxon teaches a basin 3 positioned on a trivet 40 (see Fig. 4). It would

have been obvious to place the basin on the trivet of Ancona to rest upon and be upheld by the supports of Ancona for the reason of protecting a table or other supporting surface from the heated bottom of a basin which could damage the top surface of the table.

Official notice is taken that supports of stainless steel are well known and that connectors of metal, polymer or ceramics are well known. It would have been obvious to modify the material to be metal for structural strength and stainless steel, polymer and ceramics for reduced corrosion, polymers and ceramics are easily moldable.

Applicant's arguments with respect to claims 4-14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Stephen J. Castellano
Primary Examiner
Art Unit 3781

sjc